

TMH:th  
AO 91 (Rev. 5/85) Criminal Complaint

# United States District Court

STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

v.

## CRIMINAL COMPLAINT

JESUS CRUZ-FALFAN and  
JOSE MORENO-ORTIZ

CASE NUMBER:

10-mj-38 FLW

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about February 1, 2010, in Hennepin County, in the

State and District of Minnesota, the defendants did, (Track Statutory Language of Offense)

unlawfully, knowingly and intentionally conspire to distribute 500 grams or more of a mixture and substance containing a detectable amount of cocaine, a controlled substance,

in violation of Title 21 United States Code, Sections 841(a)(1), 841(a)(1)(B) and 846.

I further state that I am a Special Agent, DEA and that this complaint is based on the following facts:  
Official Title

See Attached Affidavit

Continued on the attached sheet and made a part hereof:

☒ Yes

☐ No

*Lora Strauss*  
Signature of Complainant

Lora Strauss  
Special Agent, DEA

Sworn to before me and subscribed in my presence,

February 2, 2010  
Date

at

Minneapolis, Minnesota  
City and State

Franklin L. Noel, U.S. Magistrate Judge  
Name & Title of Judicial Officer

*Franklin L. Noel*  
Signature of Judicial Officer

SCANNED

FEB 2 2010

U.S. DISTRICT COURT MPLS

STATE OF MINNESOTA       )  
                                  ) ss   AFFIDAVIT OF LORA STRAUSS  
COUNTY OF HENNEPIN       )

I, Lora Strauss, being duly sworn, depose and state as follows:

1. I am a Special Agent with the Drug Enforcement Administration ("DEA") and have been so employed since September 2002. Prior to that, I was a sworn police officer in Tennessee for approximately five years. I am currently assigned to the DEA Minneapolis-St. Paul District Office. I have received extensive training in the investigation of controlled substance offenses and have participated in several state and federal investigations which have resulted in the arrests of numerous individuals charged with these offenses.

2. This affidavit is submitted in support of a criminal complaint charging JESUS CRUZ-FALFAN and JOSE MORENO-ORTIZ with conspiracy to distribute 500 grams or more of a mixture and substance containing a detectable amount of cocaine, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B) and 846.

3. The facts and information contained in this affidavit are based upon my own investigation and observations and those of other agents and police officers. This affidavit contains information necessary to support probable cause for this application. It is not intended to include each and every fact and matter observed by me or known to the government.

4. On December 21, 2009, a DEA cooperating source ("the CS") agreed to make a one ounce purchase of cocaine for \$1,200 from JESUS CRUZ-FALFAN. The CS placed a number of recorded telephone calls to CRUZ-FALFAN to set up the transaction. Before the transaction, agents searched the CS and handed the CS \$1,200 in undercover funds. Agents then followed the CS to a Target parking lot in Minneapolis, Minnesota, where agents saw the CS meet with CRUZ-FALFAN. The CS later delivered approximately one ounce of suspected cocaine to agents, which field-tested positive for the presence of cocaine.

5. On January 12, 2010, the CS arranged to purchase another ounce of cocaine from CRUZ-FALFAN in an alley behind a house in South Minneapolis ("the residence"). CRUZ-FALFAN told the CS in a recorded telephone call that he used the basement of the residence to store his "work" (slang for drugs). Before the transaction, agents searched the CS and handed the CS \$1,200 in undercover funds. Agents then followed the CS to this location, where they saw the CS meet with CRUZ-FALFAN. The CS later delivered approximately one ounce of suspected cocaine to agents, which field-tested positive for the presence of cocaine.

6. On January 27, 2010, the CS made several recorded telephone calls to CRUZ-FALFAN. During one of these calls, CRUZ-FALFAN said "Durango" was driving a load of cocaine from Chicago to Minnesota. CRUZ-FALFAN told the CS that when the

cocaine arrived, the CS would be able to look at "two of them." The CS agreed to meet CRUZ-FALFAN in the basement of the residence.

7. On the morning of February 1, 2010, agents saw a person, later identified as JOSE MORENO-ORTIZ, arrive in a vehicle and enter the front of the residence carrying a bulky item under his shirt. Later that morning, the CS made a recorded telephone call to CRUZ-FALFAN to finalize plans to see the cocaine for possible purchase. At approximately 11:45 a.m., agents saw the CS enter the residence. When agents saw the CS leave the basement followed by CRUZ-FALFAN and MORENO-ORTIZ, they moved in for an arrest. When CRUZ-FALFAN and MORENO-ORTIZ saw the police, they ran around towards the front of the residence. The police then took them into custody. Agents seized approximately two kilograms of suspected cocaine from the basement of the residence. The CS later told agents that when the CS entered the basement, CRUZ-FALFAN and MORENO-ORTIZ showed the CS the two kilograms of cocaine. The CS told them the CS was going to go pick up the purchase money for the cocaine.

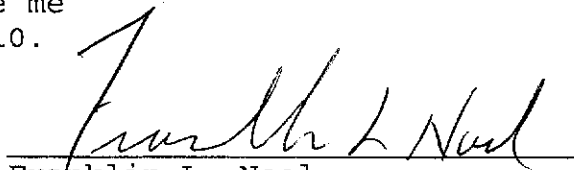
8. After his arrest, CRUZ-FALFAN admitted that MORENO-ORTIZ brought the two kilograms of cocaine from Chicago, and that they intended to sell the cocaine to the CS. CRUZ-FALFAN said MORENO-ORTIZ was his cocaine supplier and had supplied the drugs that CRUZ-FALFAN sold to the CS on December 21, 2009, and on January 12, 2010.

9. Based on the foregoing, there is probable cause to believe that on or about February 1, 2010, within the State and District of Minnesota, the defendants, JESUS CRUZ-FALFAN and JOSE MORENO-ORTIZ, did unlawfully, knowingly and intentionally conspire to distribute 500 grams or more of a mixture and substance containing a detectable amount of cocaine, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B) and 846.



Lora Strauss  
Special Agent, DEA

Sworn and subscribed to before me  
this 21 day of February, 2010.



Franklin L. Noel  
United States Magistrate Judge